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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,130	04/26/2001	Yasusi Kanada	10012257	6545

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NGUYEN, PHUOC H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/842,130

Applicant(s)

KANADA ET AL.

Examiner

Phuoc H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on amendment filed on December 2, 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 6-8 and 10-15 is/are rejected.
- 7) ☒ Claim(s) 3-5, and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the amendment filed on December 2, 2004. Original application contained claims 1-15. Amendment filed on December 2, 2004 have been entered and made of record. Therefore, pending claims 1-15 are presented for further consideration and examination.

Response to Arguments

2. Applicants' arguments have been fully considered but they are not persuasive.

The applicant argues with respect to claim 1 that the Banginwar (U.S. Patent 6,611,863) does not disclose, suggest or anticipated the converting a first policy into second policy and a third policies as defined by claims.

The examiner respectfully submits that Banginwar's invention teaches a policy server selectively deploys various policies to one or more device proxies (col. 2 lines 34-37). According to Banginwar's figure 1 discloses a device proxy (116) couple between a policy server (112) and plurality of devices (120 a-n) such as router, a switch, a NIC, etc. Each of these devices (120 a-n) has a specific format or configuration (col. 3 lines 21-29), and each device proxy receives a policy from the policy server. Each proxy device receives policy/policies from the policy server, convert that policy/policies into plurality of specific format policy for each or group of the device (col. 3 lines 11-29). For instance, there are two groups of devices couple to the proxy wherein the first group is in SNMP and the second group is in Telnet, after the proxy

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receive the policy/policies from policy server, it will convert the policy/policies into specific SNMP and Telnet format. Then proxy distribute these two specific format of policies to respective group of devices.

The applicant argues with respect to claim 10 that the Banginwar does not disclose, suggest or anticipated the converting a first policy and second policy into a third policies as defined by claims.

Based on the claim language of claim 10, it does not clearly define how to convert two difference policies into a merged policy. In deed, any output policy including or encapsulating two sub-input policies is considered to be a merged policy. In case of Banginwar, the proxy device takes plurality difference policies from the policy server; converts into specific format policy/policies of specific device; and distributes that specific format policy/policies to that device via specific protocol (e.g. SNMP, telnet...). Therefore, the specific format policy/policies is/are considered to be the merged policy as cited in the claim because it contains plurality of original policies.

The applicant further argues with respect to claim 14 that the Banginwar does not disclose, suggest or anticipated the converting a high-level policy into a plurality of low-level policies and a plurality of high-level policies into a low-level policy.

The examiner respectively submits that the concept for converting between a single policy to a plurality of policies and vice versa are essentially the same as claims 1 and 10, which presented in the above argument.

Therefore, the examiner asserts that the cited prior arts Banginwar (U.S. Patent 6,611,863) teaches or suggests the subject matter broadly recited in independence claims 1,10, and 14.

3. Claims 2-9, 11-13, and 15 are rejected at least by virtue of their dependency on independent and by other reasons set forth in the previous office action or presented as follow.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,2,6-8, and 10-15 rejected under 35 U.S.C. 102(e) as being anticipated by Banginwar U.S. Pat. No. 6,611,863.

3. Regarding claims 1,10, and 14, Banginwar discloses a method for controlling a policy-based network (Abstract), comprising the steps of: establishing a first policy within a policy server of the network, wherein the first policy includes at least a first function and a second function (eg. Policies are created by administrator within the policy server, and each policy has multiple functions associated with) (col. 2, lines 14-46); converting the first policy into at least a second policy and a third policy, wherein the second policy is associated with the first function and the third policy is associated with the second function, distributing the second policy and the third policy within the network to at least one node (eg. Device proxies received the created

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policy and converted the policy to a device-specific configuration and then distributed the policy to one or more devices within network) (col. 3, lines 21-29); and controlling the at least one node using the second policy and the third policy (Figure 1; and col. 2, lines 13-34).

4. Regarding claims 2 and 11, Banginwar further discloses the first policy includes at least a first policy rule having the first function in the first policy rule and a second policy rule having the second function in the second policy rule, and wherein the second policy includes at least a third policy rule having the first function in the third policy rule, and wherein the third policy includes at least a fourth policy rule having the second function in the fourth policy rule (eg.

Device proxies converted the policy to a device-specific configuration wherein each converted policy inherently contain the multiple function associated with it and then distributed the policy to one or more devices within network) (col. 3, lines 21-29).

5. Regarding claim 6, Banginwar further discloses the first policy includes a list of condition parts of policy rules included in the first policy, wherein the second policy includes a list of condition parts of policy rules included in the second policy, wherein the third policy includes a list of condition parts of policy rules included in the third policy, and wherein the list of condition parts included in the first policy is equal to the list of condition parts included in the second policy and the list of condition parts included in the third policy (eg. the filters provide device-specific attributes or characteristic that identify devices to be policy managed by device proxy, and a wide variety of filters can be used, including combinations or Boolean combination of various filters or conditions) (col. 14, lines 16-65).

6. Regarding claim 7, Banginwar further discloses the first policy includes at least a first policy rule having at least a first condition and a second condition in a condition part of the first

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policy rule, wherein the first condition and the second condition are coupled with a logical "OR" operator, wherein the second policy includes at least a second policy rule having the first condition in a condition part of the second policy rule and a third policy rule having the second condition in a condition part of the third policy rule, and wherein the third policy includes at least a fourth policy rule having the first condition in a condition part of the fourth policy rule and a fifth policy rule having the second condition in a condition part of the fifth policy rule (eg. the filters provide device-specific attributes or characteristic that identify devices to be policy managed by device proxy, and a wide variety of filters can be used, including combinations or Boolean combination of various filters or conditions) (col. 14, lines 16-65).

7. Regarding claim 8, Banginwar further discloses the first policy includes at least a first policy rule having at least a first condition and a second condition in a condition part of the first policy rule, wherein the first condition and the second condition are coupled with a logical "OR" operator, wherein the second policy includes at least a second policy rule having the first condition in a condition part of the second policy rule and a third policy rule having the second condition in a condition part of the third policy rule, wherein the second policy rule includes, in an action part of the second policy rule, a marking action of a first value in a field in each of a plurality of data packets, wherein the third policy rule includes, in an action part of the third policy rule, a marking action of the first value in the field in each of the plurality of data packets, and wherein the third policy includes at least a fourth policy rule, and a condition part of the fourth policy rule determines whether the field in each of the plurality of data packets includes the first value (eg. the filters provide device-specific attributes or characteristic that identify devices to be policy managed by device proxy, and a wide variety of filters can be used,

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including combinations or Boolean combination of various filters or conditions) (col. 14, lines 16-65).

8. Regarding claim 12, Banginwar further discloses the first policy includes at least a first policy rule having a first condition in a condition part of the first policy rule and having in an action part of the first policy rule a marking action of a first value of a field in each of a plurality of data packets, wherein the second policy includes at least a second policy rule, a condition part of the second policy rule determining whether the field in each of the plurality of data packets contains the first value, and having the first function in an action part of the second policy rule, and wherein the third policy includes at least a third policy rule and a fourth policy rule, wherein the third policy rule includes the first condition in a condition part of the third policy rule and the first function in an action part of the third policy rule, and wherein the fourth policy rule includes a condition part for determining whether the field in each of the plurality of data packets contains the first value, and includes the first function in an action part of the fourth policy rule (eg. the filters provide device-specific attributes or characteristic that identify devices to be policy managed by device proxy, and a wide variety of filters can be used, including combinations or Boolean combination of various filters or conditions) (col. 14, lines 16-65).

9. Regarding claim 13, Banginwar further discloses the first policy includes at least a first policy rule and a second policy rule, wherein the first policy rule includes a first condition in a condition part of the first policy rule and includes in an action part of the first policy rule a marking action of a first value of a field in each of a plurality of data packets, wherein the second policy rule includes a second condition in a condition part of the second policy rule, wherein the second policy includes at least a third policy rule having a condition part determining whether

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the field in each of the plurality of data packets includes the first value, and having in an action part of the third policy rule the first function, and wherein the third policy includes at least a fourth policy rule and a fifth policy rule, wherein the fourth policy rule includes the first condition in a condition part of the fourth policy rule and the first function in an action part of the fourth policy rule, and wherein the fifth policy rule includes the second condition and a condition part for determining whether the field in each of the plurality of data packets contains the first value, and includes the first function in an action part of the fifth policy rule (eg. the filters provide device-specific attributes or characteristic that identify devices to be policy managed by device proxy, and a wide variety of filters can be used, including combinations or Boolean combination of various filters or conditions) (col. 14, lines 16-65).

10. Regarding claim 15, Banginwar further discloses the conversion means converts both the high-level policy into the plurality of low-level policies and the plurality of high-level policies into the low-level policy (Figure 1; and col. 2, lines 13-34).

Allowable Subject Matter

11. Claims 3,4,5, and 9 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuoc H. Nguyen whose telephone number is 703-305-5315. The examiner can normally be reached on Mon -Thu (7AM-4: 30PM) and off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

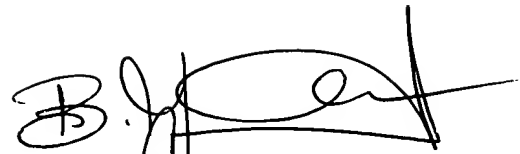
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Phuoc H. Nguyen
Examiner
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PRIMARY EXAMINER